

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

**DECISION AND ORDER**  
06-CR-402S

SHAMEL O. PARKER,

Defendant.

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1. On November 15, 2006, Defendant Shamel Parker was indicted on charges of unlawfully possessing a firearm while trafficking in drugs, in violation of 18 U.S.C. § 924(c)(1); unlawfully possessing the same firearm after having been convicted of a felony, in violation of 18 U.S.C. §§ 922(g)(1), 924(a)(2); and unlawfully possessing marijuana, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(D) (Docket No. 1).

2. On July 10, 2007, Defendant filed a Motion to Suppress seized evidence and statements. (Docket No. 23).

3. On November 19, 2007, the Honorable Hugh B. Scott, United States Magistrate Judge, filed a Report and Recommendation (Docket No. 35) recommending that Defendant's Motion to Suppress be granted.

4. No objections to the Report and Recommendation were received within ten (10) days from the date of its service, in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule 58.2(a)(3).

5. This Court has carefully reviewed *de novo* Judge Scott's November 19, 2007 Report and Recommendation, and the applicable law. Upon due consideration, this Court finds no legal or factual error in Judge Scott's Report and Recommendation, and it concurs

in his conclusions. Accordingly, this Court will accept Judge Scott's Report and Recommendation in its entirety.

IT HEREBY IS ORDERED, that this Court accepts Judge Scott's November 19, 2007 Report and Recommendation (Docket No. 35) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Motion to Suppress seized evidence and statements (Docket No. 23) is GRANTED consistent with Judge Scott's Report and Recommendation.

FURTHER, that the Defendant, Defendant's Counsel, and Counsel for the Government are to appear before the undersigned on Tuesday, December 11, 2007 at 9:00 a.m. for a status conference.

SO ORDERED.

Dated: December 10, 2007  
Buffalo, New York

/s/William M. Skretny  
WILLIAM M. SKRETNY  
United States District Judge